

REFERENCE TITLE: inmate labor; compensation

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2340

Introduced by
Representative Burns J, Senator Blendu: Representatives Alvarez, Barnes,
Hershberger, Konopnicki, Senators Aboud, Arzberger, O'Halleran, Soltero

AN ACT

AMENDING SECTION 31-254, ARIZONA REVISED STATUTES; RELATING TO PRISONERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 31-254, Arizona Revised Statutes, is amended to
3 read:

4 31-254. Compensation for labor performed; price of prison made
5 articles; distribution of earnings; workers'
6 compensation

7 A. Each prisoner who is engaged in productive work in any state prison
8 or institution under the jurisdiction of the department or a private prison
9 under contract with the department as a part of the prison industries program
10 shall receive for the prisoner's work the compensation that the director
11 determines. ~~SUBJECT TO THE DIRECTOR'S DISCRETION~~, the compensation shall be
12 in accordance with a graduated schedule based on quantity and quality of work
13 performed and skill required for its performance ~~but shall not exceed fifty~~
14 ~~cents per hour unless~~ AND WHETHER the prisoner is employed in an Arizona
15 correctional industries program pursuant to title 41, chapter 11, article
16 3. If the director enters into a contract pursuant to section 41-1624.01
17 with a private person, firm, corporation or association the director shall
18 prescribe prisoner compensation of at least two dollars per
19 hour. Compensation shall not be paid to prisoners for attendance at
20 educational training or treatment programs, but compensation may be paid for
21 work training programs.

22 B. Whenever a price is fixed for any article, material, supply or
23 ~~services~~ SERVICE to be produced, manufactured, supplied or performed in
24 connection with the industries program of the department, the compensation
25 paid to prisoners shall be included as an item of cost in fixing the price.

26 C. The compensation of prisoners shall be paid out of the fund
27 established pursuant to section 41-1624 or out of funds appropriated for that
28 purpose by the legislature when required.

29 D. If the compensation due a prisoner is less than two dollars per
30 hour, mandatory deductions shall be taken for the following purposes in the
31 order specified:

32 1. Twenty-five per cent of the prisoner's gross wages until the
33 prisoner's dedicated discharge account registers a fifty dollar balance.

34 2. If the prisoner initiates a lawsuit, twenty per cent from all
35 deposits to the prisoner's spendable account until the court fees are
36 collected in full.

37 3. If the prisoner was convicted of a violation of title 13, chapter
38 34, eight per cent of the prisoner's wages shall be used exclusively to fund
39 the transition ~~office~~ OFFICES established by section 31-283. All monies
40 collected under this paragraph shall be deposited, pursuant to sections
41 35-146 and 35-147, in the transition office fund established by section
42 31-284.

43 4. If a court has ordered the prisoner to pay restitution ~~pursuant to~~
44 ~~section 13-603~~, thirty per cent of the prisoner's compensation shall be spent
45 for the court ordered restitution.

1 5. Thirty per cent of the prisoner's wages for court ordered dependent
2 care.

3 E. If the compensation due a prisoner equals or exceeds two dollars
4 per hour, the director shall credit to the prisoner's spendable account
5 established pursuant to section 31-230 an amount ~~equaling fifty cents~~ THAT IS
6 ESTABLISHED BY THE DIRECTOR per hour for each hour compensation is due plus
7 ten per cent of the adjusted balance remaining after the mandatory deductions
8 are taken. Mandatory deductions shall be taken for the following purposes in
9 the order specified:

10 1. Twenty-five per cent of the prisoner's gross wages until the
11 prisoner's dedicated discharge account registers a fifty dollar balance.

12 2. If a court has ordered the prisoner to pay restitution, thirty per
13 cent of the prisoner's compensation shall be expended for the court ordered
14 restitution.

15 3. If the prisoner initiates a lawsuit, twenty per cent from all
16 deposits to the prisoner's spendable account until the court costs are
17 collected in full.

18 4. Thirty per cent of the prisoner's wages for the room and board
19 costs of maintaining the prisoner at the facility.

20 5. Thirty per cent of the prisoner's wages for court ordered dependent
21 care.

22 F. After the mandatory deductions and obligations are paid by the
23 prisoner, the remaining monies shall be credited to the prisoner's TRUST FUND
24 OR retention account established by the director pursuant to section 31-261,
25 subsection B.

26 G. A prisoner may gain access to the prisoner's trust fund or
27 retention account for emergency purposes at the sole discretion of the
28 director.

29 H. Any monies not expended from the contributing prisoner's trust fund
30 or retention account for the purposes prescribed in subsection E of this
31 section shall be paid to the prisoner ~~upon~~ ON release pursuant to section
32 31-228.

33 I. If any prisoner escapes, the director shall determine what portion
34 of the prisoner's earnings shall be forfeited, and the forfeited amount shall
35 be deposited in the special services fund established by section 41-1604.03.

36 J. This section is not intended to restore, in whole or in part, the
37 civil rights of any prisoner. No prisoner who is compensated under this
38 section shall be considered to be an employee of or employed by this state,
39 the department or any private person, firm, corporation or association
40 engaged in a contract pursuant to section 41-1624.01, and the prisoner does
41 not come within any of the provisions of the workers' compensation provided
42 in title 23, chapter 6 and is not entitled to any benefits under title 23,
43 chapter 6 whether on behalf of the prisoner or of any other person. This
44 subsection does not apply to prisoners who are employed pursuant to a
45 federally certified prison industry enhancement program established pursuant
46 to section 41-1674.